

1                                   **MINUTES OF THE REGULAR MEETING OF THE**  
2                                   **SAN MARCOS PLANNING AND ZONING COMMISSION**  
3                                   **CITY COUNCIL CHAMBERS**  
4                                   **March 25, 2008**

5  
6   **COMMISSIONERS PRESENT:**

Fred A. Terry, Chair  
Sherwood Bishop, Vice Chair  
Bill De Soto  
Randy Bryan  
Steve Cline  
Curtis Seebeck  
Ruben Becerra  
Ryan Thomason

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16   **COMMISSIONERS ABSENT:**

Bill Taylor

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19   **STAFF PRESENT:**

Cecil Pennington,  
Interim Director of Planning  
Andy Alarcón, Chief Planner  
Chance Sparks, Sr. Planner  
Phil Steed, Planner  
John Foreman, Sr. Planning Tech.  
Francis Serna, Recording Secretary

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27   **OTHERS PRESENT:** Jack Reed, Ed Theriot, Mark Hodges, Jacob Grothe and John  
28   Dipollino.

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31   **Chairperson's Opening Remarks**

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33   Chair Terry welcomed the audience and called the meeting to order at 6:00 p.m.

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36   **Citizen Comment Period**

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38   Jakob Grothe, 800 N. LBJ, provided the Commission with a handout of "Student and  
39   Pedestrian Improvement Proposition maps." He brought two items of interest to the  
40   Commission, stating that bike paths and sidewalks are necessary on N. LBJ and  
41   Aquarena. Mr. Grothe pointed out that there are no sidewalks at the locations and that  
42   LBJ and Aquarena are the main arteries for students to get to Texas State University.  
43   He asked that sidewalks and bike paths be constructed for the safety of the students.  
44   In addition, Mr. Grothe suggested that the City purchase property owned by the  
45   Longcopes located across the street from Wal Mart. The property is zoned commercial  
46   and is located in the floodplain. He felt that a park is needed on the east side of town.

Chair Terry advised that items #12 and #13 on the agenda would be heard prior to item #6.

**WPP1-07-0056. Consider a request by Byrn & Associates, Inc., on behalf of Joe K. Dobie Jr., for approval of a Phase 1 Qualified Watershed Protection Plan for Lot 1 of the Joe Dobie Addition, located on the southwest corner of Aquarena Springs Drive and River Road.**

Kathy Woodlee, Senior Engineer, explained that the applicant is requesting approval of a qualified watershed protection plan based upon reclamation of land with the 100-year floodplain of the Blanco River. She stated that most of the site lies within the floodplain and a portion of the site is within the floodway. Ms. Woodlee gave a brief overview of the property. Overall impervious cover on the site is limited to 75% allowable and the applicant has proposed a total site of 52% of the 14.48 acres. No impervious cover is proposed within the Water Quality Zone and approximately 29% impervious cover is proposed within the Buffer Zone. She further explained that the applicant is proposing to build an apartment complex. She pointed out that the applicant is using an alternative surface called gravelpave2 for the parking lot. Staff recommended that prior to approval of the Phase 2 Watershed Protection Plan, more specific and enhanced design of landscaping elements of the Water Quality and Buffer Zones is provided for adequate erosion control. Ms. Woodlee gave a brief overview of the landscape plan.

Cecil Pennington pointed out that the landscape plan is a concept and gave a brief overview of the slope. He explained that the applicant is proposing Bermuda grass and suggested that every other street tree along River Road and plant them along the slope area. Mr. Pennington felt that the trees would protect the slopes in case velocity increases in the area. In addition, the area would be a more pleasant place for people to gather.

Vice Chair Bishop suggested that the applicant consider Buffalo grass, which is a native grass and is good for erosion control and doesn't need to be mowed. He felt it would be a financial benefit.

**VICE CHAIR BISHOP MADE A MOTION TO APPROVE WPP1-07-0056. COMMISSIONER BECERRA SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK, BRYAN AND THOMASON VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.**

**PC-08-03(02). Consider a request by Byrn & Associates, Inc., on behalf of Joe K. Dobie, Jr., for approval of the preliminary plat of Lot 1, Joe Dobie Addition, located on the southwest corner of Aquarena Springs Drive and River Road.**

Phil Steed stated that the plat is subject to all requirements of the LDC and has been reviewed for consistency with existing Ordinance and policies. The Engineering

1 Department has approved the Traffic Impact Analysis and the QWPP1 approved by the  
2 Commission. He stated that ROW easement dedication along Aquarena Springs  
3 Drive and ROW dedication along River Road is required. The Parks and Recreation  
4 Department has approved the "fee-in-lieu" of park land dedication for this plat.

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6 **COMMISSIONER SEEBECK MADE A MOTION TO APPROVE PC-08-03(02).**  
7 **COMMISSIONER BECERRA SECONDED THE MOTION. ROLL WAS CALLED AND**  
8 **THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE CHAIR**  
9 **BISHOP AND COMMISSIONERS DESOTO, BECERRA, CLINE, SEEBECK, BRYAN**  
10 **AND THOMASON VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.**

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13 **CUP-08-08. Hold a public hearing and consider a request by Chris Engen, on**  
14 **behalf of Uncle Bob's Self Storage, for a General Conditional Use Permit to allow**  
15 **the use of a metal building façade in a HC Heavy Commercial zoning district**  
16 **located at 1620 IH 35 South.**

17  
18 John Foreman explained that the applicant is requesting a CUP to use metal for  
19 portions of the façade on a new climate self storage facility. The applicant plans to  
20 install false overhead doors to replicate the appearance of conventional self storage  
21 units. He added that the false doors would be obscured by additional landscaping.  
22 The applicant plans to use a blue metal roof with the false doors painted yellow. Mr.  
23 Foreman pointed out that the CUP is required because of the false doors and the use  
24 of the metal façade. He stated that staff does not believe the use of metal, in this  
25 case, will have detrimental effect on neighboring properties. Staff recommends  
26 approval of the CUP as submitted.

27  
28 Chair Terry opened the public hearing. No one wished to speak and the public hearing  
29 was closed.

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31 **COMMISSIONER BECERRA MADE A MOTION TO APPROVE CUP-08-08.**  
32 **COMMISSIONER SEEBECK SECONDED THE MOTION. ROLL WAS CALLED AND**  
33 **THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE CHAIR**  
34 **BISHOP AND COMMISSIONERS DESOTO, BRYAN, CLINE, BECERRA, SEEBECK**  
35 **AND THOMASON VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.**

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38 **LUA-08-03. Hold a public hearing and consider a request by First United**  
39 **Pentecostal Church for a Land Use Map Amendment from Low Density**  
40 **Residential (LDR) to Public (P) on 0.4775 acres (HCAD) more or less located at**  
41 **108 Eastwood.**

42  
43 Andy Alarcón asked the Commission to postpone the request to the next Planning &  
44 Zoning Commission meeting on April 8, 2008. He explained that the postponement is  
45 for the purpose of amending the application to include a property that was inadvertently  
46 left off the application. Mr. Alarcón added that the applicant is currently looking at 117  
47 Meiners, which has a land use of "P" and no zoning designation. Staff suggested that

1 the Chair Terry open the public hearing for anyone that was present to speak in regards  
2 to the request and reopen the public hearing on April 8, 2008.

3  
4 Chair Terry opened the public hearing.

5  
6 Mark Hodges, resident of 510 Franklin stated he owns property in the area and  
7 commented that the neighborhood has been destroyed by Bobcat Village because  
8 there have been many unkept promises. He stated that when a property is zoned  
9 residential the property should remain as residential. Mr. Hodges asked the  
10 Commission to take careful consideration when making a decision of the request.

11  
12 Jason Howell, resident at 407 B Sara Street and property owner near the area of the  
13 rezoning request, stated that he felt the request is appropriate for the area. He felt that  
14 the area is transitioning and that "P" Public zoning designation is an appropriate  
15 request. Mr. Howell spoke in support of the request.

16  
17 Mark Hodges, resident at 510 Franklin, stated that once the zoning is changed, the  
18 church can sell the property, and broadens the uses for the property. He pointed out  
19 that the University can purchase the property and felt it would cause additional  
20 problems and ruin the neighborhood. Mr. Hodges spoke against the request.

21  
22 No one else wished to speak and the public hearing was closed.

23  
24 Commissioner Thomason asked if Bobcat Village was owned by the University.

25  
26 Cecil Pennington confirmed that Bobcat Village is owned by the University and  
27 explained that Bobcat Village was built by a private developer and purchased by the  
28 University. He pointed out that the University is exempt from all municipal regulations  
29 outside of platting.

30  
31 Commissioner Seebeck pointed out that the concern is that if the University purchases  
32 the property, the University is exempt from municipal regulations.

33  
34 Vice-Chair Bishop concurred that the University is exempt from municipal regulations.

35  
36 **COMMISSIONER BECERRA MADE A MOTION TO POSTPONE LUA-08-03 TO THE**  
37 **APRIL 8, 2008 PLANNING AND ZONING COMMISSION MEETING.**  
38 **COMMISSIONER THOMASON SECONDED THE MOTION. ROLL WAS CALLED**  
39 **AND THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE CHAIR**  
40 **BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK,**  
41 **THOMASON AND BRYAN VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.**

42  
43 Commissioner DeSoto suggested that the Commission should review what is allowed in  
44 "P" Public zoning designation to see how intrusive it might be to the neighborhood.

**ZC-08-04. Hold a public hearing and consider a request by First United Pentecostal Church for a Zoning Change from Single-Family Residential District (SF-6) to Public (P) on 0.4775 acres (HCAD) more or less located at 108 Eastwood.**

Andy Alarcón explained that the request is the companion to the previous land use map amendment case located at 108 Eastwood. Staff recommended that the request be postponed to the April 8, 2008 Planning and Zoning Commission meeting.

Chair Terry opened the public hearing.

Mark Hodges strongly encouraged the Commission to review the original zoning and review the property. He stated that homes were built in the 1920's in single family zoning districts. He urged the Commission not to approve the zoning request.

Jason Howell commented that the block is transitioning and the surrounding areas are currently zoned multi-family. Mr. Howell spoke in support of the request.

No one else wished to speak and the public hearing was closed.

**COMMISSIONER SEEBECK MADE A MOTION TO POSTPONE ZC-08-04 TO THE APRIL 8, 2008 PLANNING AND ZONING COMMISSION MEETING. COMMISSIONER BECERRA SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE-CHAIR BISHOP AND COMMISSIONERS DESOTO, BRYAN, THOMASON, CLINE, BECERRA AND SEEBECK VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.**

**LUA-08-04. Hold a public hearing and consider a request by Mitchell Planning Group on behalf of Jack Gary, for a Land Use Map Amendment from Medium Density Residential/Commercial (MDR/C) to Commercial (C) on 10.86 acres (HCAD) more or less located at 2400 N. IH 35.**

Andy Alarcón explained that the property is in the vicinity of CFAN and Tilson Homes on IH 35 and adjacent to the Blanco River. He pointed out that 6.8 acres of the property is outside of the floodway area. The applicant is requesting a land use map amendment from medium density residential and commercial to commercial land use designation to the entire property. Mr. Alarcón pointed out on the power point the blue line indicating the centerline of the river. Staff felt that the request is appropriate and recommended approval of the request.

Chair Terry opened the public hearing.

Ed Theriot with Mitchell Planning Group, P.O. Box 1356, San Marcos, stated he was representing Jack Gary, owner of the property. He explained that there is one single family structure and 2 or 3 outbuildings on the property. Mr. Theriot commented as

1 indicated by staff, the property is part of a platted existing subdivision that was platted in  
2 2001. He explained that Mr. Gary is proposing to establish "C" commercial zoning on  
3 the property and companion land use map designation on the property. Mr. Theriot  
4 pointed out that they are in agreement with staff recommendation and that "CC"  
5 community commercial zoning designation is consistent with the adjacent zoning. He  
6 noted that "GC" general commercial is usually requested along the Interstate, although  
7 they are in agreement with staff and requesting "CC" community commercial on the  
8 property. He added he was available to answer questions.

9  
10 Jakob Grothe, 800 N. LBJ, spoke in opposition to the request. He felt that there is  
11 currently enough "C" commercial zoning in San Marcos. He pointed out there are two  
12 rivers in San Marcos and commercial zoning should be separated from any river.

13  
14 No one else wished to speak and the public hearing was closed.

15  
16 Vice Chair Bishop agreed that "C" commercial is the best land use for the property. He  
17 pointed out that the area of the river is very special and provide maps of the area. Mr.  
18 Bishop spoke in support of the request and stated that the City has been working for a  
19 number of years to develop a greenbelt along the Blanco River. He gave a brief  
20 overview of the map he provided. Mr. Bishop pointed out that the property owner along  
21 the river may want to consider selling the area in the floodway to the City.

22  
23 Commissioner DeSoto agreed with Vice Chair Bishop.

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25 **COMMISSIONER BECERRA MADE A MOTION TO APPROVE LUA-08-04.**  
26 **COMMISSIONER SEEBECK SECONDED THE MOTION. ROLL WAS CALLED AND**  
27 **THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE CHAIR**  
28 **BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK, BRYAN,**  
29 **AND THOMASON VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.**

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32 **ZC-08-05. Hold a public hearing and consider a request by Mitchell Planning**  
33 **Group on behalf of Jack Gary for a Zoning Change from Single-Family Residential**  
34 **District /Future Development (SF-6/FD) to Community Commercial (CC) on 10.86**  
35 **acres (HCAD) more or less located at 2400 N. IH-35.**

36  
37 Andy Alarcón stated that the request is the companion zoning change request on 19.86  
38 acres located along 2400 block of IH 35. He pointed out that Blanco Riverwalk  
39 development is in the vicinity and in the area of the Yarrington Road overpass. In  
40 addition, Chuck Nash is located on the west side of IH 35. The applicant is requesting  
41 "CC" community commercial and because of the trend and development in the area,  
42 staff recommended approval of the request.

43  
44 Chair Terry opened the public hearing.

1 Ed Theriot, Mitchell Planning Group, P.O. Box 1356, San Marcos, stated that his  
2 discussion was covered during the land use map amendment. He pointed out that they  
3 are requesting "CC" community commercial zoning designation. Mr. Theriot stated that  
4 they are in agreement with staff's recommendation for approval.

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6 No one else wished to speak and the public hearing was closed.

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8 **COMMISSIONER SEEBECK MADE A MOTION TO APPROVE ZC-08-05.**  
9 **COMMISSIONER BECERRA SECONDED THE MOTION. ROLL WAS CALLED AND**  
10 **THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE CHAIR**  
11 **BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK, BRYAN,**  
12 **AND THOMASON VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.**

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15 **PC-08-02(04). Consider a request by Sinclair & Associates, Inc., on behalf of Joe**  
16 **B. Millican, for approval of the replat of Lot 1, Stagecoach Business Park, located**  
17 **on the southwest corner of Hunter Road and Stagecoach Road.**

18  
19 Phil Steed explained that the request was on the March 11, 2008 agenda and was  
20 reschedule to March 25, 2008, at the request of the applicant. He pointed out that  
21 there are unresolved issues and recommended that the request be postponed to a date  
22 no later than May 13, 2008.

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24 **COMMISSIONER BECERRA MADE A MOTION TO POSTPONE PC-08-02(04) TO**  
25 **APRIL 8, 2008 OR A DATE NO LATER THAN MAY 13, 1008 AND THAT**  
26 **STAGECOACH "ROAD" IS CORRECTED TO STAGECOACH "TRAIL."**  
27 **COMMISSIONER SEEBECK SECONDED THE MOTION. ROLL WAS CALLED AND**  
28 **THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE CHAIR**  
29 **BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK, BRYAN**  
30 **AND THOMASON VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.**

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33 **Planning Director's Report.**

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35 Cecil Pennington announced that the CIP Workshops will be held on Wednesday, April  
36 2, 2008 to be held in the Council Chambers and Thursday, April 3, 2008 to be held in  
37 the City Hall Conference Room beginning at 6:00 p.m. He explained that there was a  
38 glitch in the system and staff was unable to produce the CIP Workshop Workbook  
39 Evaluation. Mr. Pennington anticipated that the Workbook would be available by  
40 Friday, March 28, 2008. He gave a brief overview of the worksheets.

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43 **Commissioner's Report**

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45 No Commissioner's Report.

**MINUTES.****Consider approval of the minutes from the Regular Meeting of March 11, 2008.**

VICE CHAIR BISHOP MADE A MOTION TO APPROVE THE MINUTES FROM THE REGULAR MEETING OF MARCH 11, 2008 WITH AMENDMENTS. COMMISSIONER BRYAN SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 5-0-3 WITH CHAIR TERRY, VICE-CHAIR BISHOP AND COMMISSIONERS DESOTO, THOMASON AND BRYAN VOTING AYE. COMMISSIONERS CLINE, BECERRA AND SEEBECK WERE ABSTAINED AND COMMISSIONER TAYLOR WAS ABSENT.

**QUESTIONS FROM PRESS AND PUBLIC**

Harrison B., foreign exchange student, stated that there is no gentlemen's club in San Marcos and asked how often a request was brought before the Commission.

Cecil Pennington explained they are not prohibited, but that there is an Ordinance that specifies in what proximity they can be built.

Steve Cline mentioned that a request may or may not be heard before the Commission. Also, if a request complies with all code requirements and regulations, approval of the request may be granted.

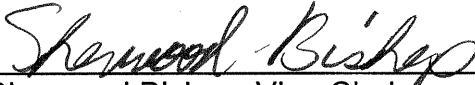
Vice Chair Bishop addressed Jakob Grothe's concern, and pointed out that building sidewalks along N. LBJ towards the University has been accepted and funded and construction should begin next year. In addition, he thought that part of the Longcope property was dedicated to the City. Cecil Pennington said that he would research the information.

COMMISSIONER SEEBECK MADE A MOTION TO ADJOURN THE MEETING. COMMISSIONER BECERRA SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 8-0 WITH CHAIR TERRY, VICE-CHAIR BISHOP AND COMMISSIONERS DESOTO, BRYAN, THOMASON, SEEBECK, CLINE, AND BECERRA VOTING AYE. COMMISSIONER TAYLOR WAS ABSENT.



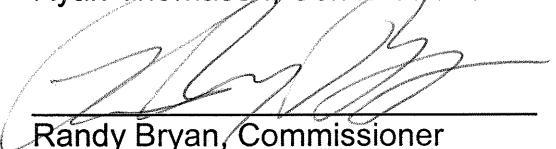
1 THE MEETING ADJOURNED AT 7:06 P.M.

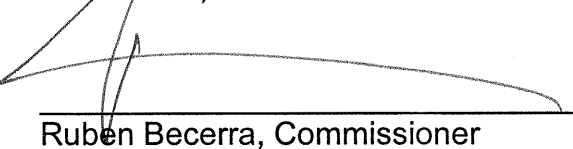
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5 Fred A. Terry, Chair

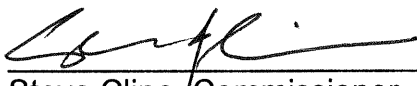
  
6 Sherwood Bishop, Vice-Chair


7   
8 Ryan Thomason, Commissioner

9   
10 Bill DeSoto, Commissioner

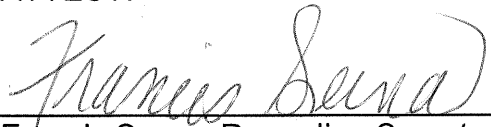
11   
12 Randy Bryan, Commissioner

13   
14 Ruben Becerra, Commissioner

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16 Steve Cline, Commissioner

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18 Curtis Seebeck, Commissioner

19  
20 ATTEST:

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22 Francis Serna, Recording Secretary  
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